THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1543 of 2006

DATE: 28.1.2006

Between:

Y. Alias A. Raghuveer Goud S/o Balaiah Goud aged 47 years, Occ. Business, Licencee of M/s Samakka Sarakka Wines, Toomkunta, Shamirpet Mandal, Ranga Reddy District.

Petitioner……..

And

1. The Deputy Commissioner for Prohibition and Excise Ranga Reddy Division, Hyderabad and others.

Respondents……..

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ORDER:

Heard the learned counsel appearing for petitioner as well as the learned Government Pleader for Prohibition and Excise.

Petitioner was granted A-4 licence in the name and style of M/s Samakka Sarakka Wines, Toomkunta, Shameerpet Mandal, bearing licence No. 210, dated 15.6.2005 valid up to 30.6.2006 for the year 2005-2006.

The said licence was suspended by the impugned order of the second respondent dated 23.1.2006. On 21.1.2006, an inspection was made by the Excise Inspector, Enforcement, Ranga Reddy Division, along with his staff at the house bearing No. 1-67, Devaryamjal Village, Shameerpet Mandal, Ranga Reddy District. The Excise Officials found 210 ID liquor sachets each containing 100 ml. Hence, a case has been registered in Cr. No. 177/2005-2006 dated 21.1.2006 under Section 7(A) r/w 8(e) of the Prohibition and Excise Act.

It is stated that possession and sale of ID liquor i.e. Non-duty paid liquor and thereby violated the Licence Condition No.6 and also contravention of Rule 56 of A.P. Excise (Lease of Right of selling by shop and conditions of Licences) Rules 2005 and therefore, the licence of the petitioner has been suspended pending inquiry.

It is also stated that as against the said order, the petitioner filed an appeal along with a stay application before the Deputy Commissioner for Prohibition and Excise, Ranga Reddy Division, Hyderabad on 25.1.2006, but the same is still pending.

As the said appeal is pending, I am not inclined to express any opinion on this aspect. However, the first respondent-appellate authority is directed to consider and dispose of the stay application filed by the petitioner, within one week from the date of receipt of a copy of this order and the appeal itself may be disposed of within a period of four weeks from the date of receipt of a copy of this order. Irrespective of pendency of the appeal, it is directed to issue show cause notice to the petitioner herein and complete the inquiry as expeditiously as possible, preferably within six weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH, J

Date: 28.01.2006.

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